



Department of Defense INSTRUCTION

NUMBER 6055.4

July 20, 1999

DUSD(ES)

SUBJECT: DoD Traffic Safety Program

References: (a) DoD Directive 1010.7, "Drunk and Drugged Driving by DoD Personnel," August 10, 1983 (hereby canceled)
(b) DoD Instruction 6055.4, "DoD Traffic Safety Program," November 22, 1994 with Change 1, May 6, 1996 (hereby canceled)
(c) Executive Order 13043, Increasing Seat Belt Use in the United States, April 16, 1997
(d) DoD Directive 4715.1, "Environmental Security," February 24, 1996
(e) through (p), see enclosure 1

1. REISSUANCE AND PURPOSE

This Instruction:

1.1. Reissues and combines references (a) and (b) to incorporate Presidential guidance to strengthen the DoD Traffic Safety Program (reference (c)).

1.2. Under reference (d), updates policy, responsibilities, and procedures for administering the DoD Traffic Safety Program to reduce deaths, injuries, and property damage caused by vehicular crashes.

1.3. Assigns responsibilities and establishes policy for DoD Impaired Driving Prevention Program.

1.4. Implements reference (e) in the Department of Defense.

2. APPLICABILITY AND SCOPE

2.1. This Instruction applies to the Office of the Secretary of Defense (OSD), the Military Departments (including the Coast Guard when it is operating as a Military Service in the Navy), the Chairman of the Joint Chiefs of Staff, the Combatant Commands, the Inspector General of the Department of Defense (IG, DoD), the Uniformed Services University of the Health Sciences, the Defense Agencies, and the DoD Field Activities, hereafter referred to collectively as "the DoD Components." The term "Military Services," as used herein, refers to the Army, the Navy, the Air Force, and the Marine Corps. For the purposes of this Instruction, the Army-Air Force Exchange Service is considered a DoD Component.

2.2. This Instruction applies to the following:

2.2.1. All military personnel at any time, on or off a DoD installation.

2.2.2. All DoD civilian personnel in a duty status, on or off a DoD installation.

2.2.3. All persons in or on a DoD-owned motor vehicle.

2.2.4. All persons at any time on a DoD installation.

3. DEFINITIONS

Terms are defined in enclosure 2.

4. POLICY

4.1. A comprehensive and effective DoD Traffic Safety Program shall be established and maintained as an element of the Department of Defense accident prevention program under references (d) and (f).

4.2. The Department of Defense shall participate in accordance with established standards in joint efforts to prevent impaired driving caused by alcohol and other drugs. Joint efforts may include those with local, State and Federal governments and private sector organizations.

4.3. The Department of Defense shall cooperate with local authorities in detecting, identifying, apprehending, prosecuting, educating, and counseling impaired

drivers and in reporting cases as required by State laws and applicable Status of Forces Agreements. The cooperation required under this paragraph shall comply with the Posse Comitatus Act and all other applicable laws.

5. RESPONSIBILITIES

5.1. The Under Secretary of Defense for Acquisition and Technology, through the Deputy Under Secretary of Defense for Environmental Security (DUSD(ES)), shall:

5.1.1. Represent the Secretary of Defense on national traffic safety policy involving the Department of Defense.

5.1.2. Solicit, coordinate, and consolidate comments on existing, revised, or proposed traffic safety legislation and Department of Transportation (DOT) safety regulations and provide a unified DoD position.

5.1.3. Provide programming criteria, guidance, and instructions for the incorporation of traffic safety elements into applicable programming and budgeting documents.

5.1.4. Develop a coordinated approach for highway safety and the reduction of impaired driving, consistent with this Instruction and enclosures 3 and 4.

5.1.5. Consolidate the Components' safety belt usage reports for DoD and submit the annual report to the Secretary of Transportation.

5.2. The Heads of the Military Departments shall each establish a comprehensive traffic safety program to include their respective Service Impaired Driving Prevention Task Force (SIDPTF), and meet all requirements of enclosures 3 and 4.

5.3. The Heads of the DoD Components shall:

5.3.1. Establish programs to carry out appropriate portions of this Instruction.

5.3.2. Promote risk management per reference (f) and include the minimum requirements discussed in enclosures 3 and 4.

5.3.3. Submit to DUSD(ES) an annual safety belt usage report no later than April 30 for the previous calendar year, using the format required in Executive Order 13043 (reference (c)). The report will include safety belt use rates and statistics of crashes, injuries, and related costs involving Federal employees on official business

and occupants of motor vehicles driven on DoD installations. The report also shall identify specific Agency programs that have made significant progress towards achieving goals or are notable and deserving of recognition.

5.3.4. DoD Components must satisfy their bargaining obligations with unions following Chapter 71 of 5 U.S.C. (reference (g)) before implementing any changes generated by this Instruction.

6. PROCEDURES

The Heads of the Military Departments shall incorporate the following requirements into their traffic safety programs:

6.1. Highway Safety Program Guidelines (HSPG). Enclosure 3 modifies reference (h) to reflect unique military requirements and DoD-worldwide operations (enclosure 3).

6.2. Safety Standards for DoD Motor Vehicles

6.2.1. Commercial design vehicles, as defined in DoD 4500.36-R; (reference (i)), which are purchased, leased, or rented by the Department of Defense for use in the United States and U.S. territories and possessions, shall meet all applicable requirements of 49 CFR 571, "Federal Motor Vehicle Safety Standards," October 1, 1997, and Public Law No. 99-570, "Commercial Motor Vehicle Safety Act of 1986" (reference (j)). Commercial vehicles of foreign manufacture purchased, leased, or rented for use outside the United States and U.S. territories and possessions shall meet all applicable safety requirements of the country in which they are to be used.

6.2.2. The cost of accidental system damage and injuries will be considered a part of Life Cycle Cost (LCC). Program Managers will include appropriate safety technologies in systems acquisitions or modernizations whenever these technologies reduce LCC.

6.2.3. Tactical and combat vehicles, designed to contract specifications, may be exempt from 49 CFR Part 571 if such compliance would unacceptably degrade essential military characteristics. DoD special purpose, tactical, and combat vehicles, whether purchased commercially or designed to contract specifications, shall be equipped with safety belts, and rollover protection, when applicable, unless the DoD Component Acquisition Executive determines that such equipment unacceptably degrades an essential military characteristic. Significant noncompliance shall be

documented and approved by the DoD Component Acquisition Executive. Approval authority may be delegated. MIL-STD-1180B, "Safety Standards for Military Ground Vehicles," (reference (k)) provides guidance to ensure that proper safety characteristics are designed into tactical and combat vehicles.

6.3. Operator Duty Time. To reduce the potential for traffic crashes caused by operator fatigue, each Component will establish and enforce duty hour limits for motor vehicle operators based on a careful operational risk assessment and consideration of national and international standards.

6.4. Occupant Protection. The seat belt program shall be implemented as required by Executive Order 13043, reference (c), and the Highway Safety Program Guideline, Number 20, enclosure 3.

6.5. DoD Impaired Driving Prevention Program. The Impaired Driving Prevention Program shall be effectively implemented. This program includes education and training, developing a working relationship with appropriate local authorities, and suspension of driving privileges upon conviction of impaired driving due to the use of a controlled substance or alcohol. Specific details of the program are provided in enclosure 4.

6.6. Use of Headphones, Earphones. The wearing of portable headphones, earphones, or other listening devices while operating a motor vehicle and while jogging/running, bicycling or skating or skate boarding on roads and streets on DoD installations is prohibited. Use of those devices impairs driving and masks or prevents recognition of emergency signals, alarms, announcements, the approach of vehicles, and human speech.

6.7. New Technology. Safety guidance should note the potential for driver distraction when operating modern communication and navigation devices, e.g., cell phones or global positioning systems, in a moving vehicle. Drivers must use caution when operating these devices. Whenever possible, use these devices only when the vehicle is safely stopped.

7. INFORMATION REQUIREMENTS

7.1. The Annual Safety Belt Usage Report required by Executive Order 13043 and further described at paragraph 5.3.3. has been assigned Report Control Symbol DD-A&T(A)2083 in accordance with DoD 8910.1-M (reference (I)).

7.2. The Impaired Driving, Crash, and Injury Data Report required annually is referred to at paragraph E4.3.3. and has been assigned Report Control Symbol DD-A&T(A)2084 in accordance with DoD 8910.1-M (reference (1)).

8. EFFECTIVE DATE

This Instruction is effective immediately.

A handwritten signature in black ink, appearing to read "David Oliver", with a stylized, cursive script.

David Oliver
Principal Deputy Under Secretary of Defense
for Acquisition and Technology

Enclosures - 5

- E1. References, continued
- E2. Definitions
- E3. HSPG Requirements
- E4. DoD Impaired Driving Prevention Program
- E5. Driver's License Information (Sample Letter)

E1. ENCLOSURE 1

REFERENCES, continued

- (e) Chapter 4 of title 23, United States Code
- (f) [DoD Instruction 6055.1](#), "DoD Occupational Safety and Health Program," August 19, 1998
- (g) Chapter 71 of title 5, United States Code
- (h) Uniform Guidelines for State Highway Safety Programs, Highway Safety Program Guidelines, National Highway Traffic Safety Administration, Department of Transportation
- (i) DoD 4500.36-R "Management, Acquisition, and Use of Motor Vehicles," March 1994
- (j) Chapter 311 of title 49, United States Code
- (k) MIL-STD-1180B(1), "Safety Standards for Military Ground Vehicles," August 7, 1991
- (l) [DoD 8910.1-M](#), "DoD Procedures for Management of Information Requirements," June 30, 199, authorized by [DoD Directive 8910.1](#), "Management and Control of Information Requirements," June 11, 1993
- (m) "An Investigation of the Safety Implications of Wireless Communications in Vehicles," DOT HS 808 635, November 1997 Report of the National Highway Traffic Safety Administration, Department of Transportation
- (n) Uniform Vehicle Code and Model Traffic Ordinance, 1992, and 1998 Supplement
- (o) [DoD Instruction 6055.7](#), "Mishap Investigation, Reporting and Recordkeeping," April 10, 1989
- (p) Federal Personnel Manual (FMP) Chapter 930, "Programs for Specific Positions and Examinations"

E2. ENCLOSURE 2

DEFINITIONS

E2.1.1. All-Terrain Vehicle (ATV). An ATV is a motorized vehicle with three or four wheels; low pressure tires, a wheelbase of 50 inches or less, and overall weight of 600 pounds or less. An ATV has a handlebar for steering, and a seat designed to be straddled.

E2.1.2. Blood Alcohol Content (BAC). BAC (Blood Alcohol Content or Concentration; also BAL, Blood Alcohol Level). The percentage of alcohol in the blood system expressed in the ratio of grams of alcohol per 100 milliliters of blood. A dynamic measure resulting from a variety of factors - rate of drinking, strength of drink, body weight, gender, etc. In some States, a .10 BAC is prima facie evidence of driving under the influence. In other States, a .08 BAC is prima facie evidence of driving under the influence.

E2.1.3. Conviction. An official determination or finding as authorized by State or Federal law or regulation, including a final conviction by a court or court-martial (whether based on a plea of guilty or a finding of guilty and regardless of whether the penalty is deferred, suspended, or probated), an unvacated forfeiture of bail or other collateral deposited to secure a defendant's appearance in court, or a plea of *nolo contendere* accepted by a court.

E2.1.4. DoD Issuances. DoD Directives, Instructions, publications, and changes thereto.

E2.1.5. DoD Personnel

E2.1.5.1. Civilian On-Duty Personnel. DoD Civil Service employees (including Reserve component military Reserve technicians and Reserve technicians, unless in a military duty status); nonappropriated fund employees (excluding part-time military); Corps of Engineers Civil Works employees; Youth or Student Assistance Program employees; foreign nationals employed by the DoD Components; and Army-Air Force Exchange Service employees.

E2.1.5.2. Military Personnel. All U.S. military personnel on active duty; Reserve or National Guard personnel on active duty or performing inactive duty training; Service Academy cadets; Officer Candidates in OCS and AOCS; Reserve Officer Training Corps (ROTC) cadets when engaged in directed training activities; and foreign national military personnel assigned to the DoD Components.

E2.1.6. Driving Privileges. The authorization to operate a privately owned motor vehicle on an installation or in areas where traffic operations are under military supervision.

E2.1.7. Impaired Driving. Operating a motor vehicle under any impairment or intoxication caused by drugs or alcohol in violation of Article 111 of the Uniform Code of Military Justice (UCMJ). See Part IV, paragraph 35 of the Manual for Courts-Martial, or a similar law of the jurisdiction in which the vehicle is being operated.

E2.1.8. Motorcycle. A motorcycle is any motor vehicle having a seat or saddle for the use of its operator and designed to travel on not more than three wheels in contact with the ground, e.g., large motorcycle, motor-driven cycle, speed-limited motor-driven cycle, moped, motor scooter, motorized or motor-assisted bicycle.

E2.1.9. Motor Vehicle. Any transportation device with a motor powered by fossil fuels or other external sources of energy such as solar power.

E2.1.10. Supporting Agency. The Agency that accepts the responsibility and performs the actions necessary to accomplish any of the requirements of this Directive, e.g., installation vehicle registration, screening of impaired drivers, or conducting driver training.

E3. ENCLOSURE 3

HIGHWAY SAFETY PROGRAM GUIDELINES (HSPG) DoD REQUIREMENTS

The DoD Components shall model their traffic safety programs after the Highway Safety Program Guidelines (reference (h)).¹ The minimum requirements for DoD to carry out those guidelines are as follows:

E3.1. PERIODIC MOTOR VEHICLE INSPECTION (HSPG NUMBER 1)

E3.1.1. Besides the inspection requirements in DoD 4500.36-R (reference (i)), all DoD vehicles (including nonappropriated fund vehicles and Government-owned and contractor-operated vehicles) shall be required to pass a safety inspection at least annually. This safety inspection shall evaluate systems and components for vehicle performance, e.g., safety belts, lighting, glazing, exhaust system, wipers, horns, brake systems, steering systems, suspension, tires, and wheel assemblies).

E3.1.2. The inspection shall ensure that exhaust emissions do not exceed any applicable Federal, State, municipal, or host-nation requirements.

E3.1.3. The DoD Components may authorize installation commanders to require annual safety inspections of privately owned motor vehicles, regularly operated on the installation, which are not covered by a State inspection program.

E3.1.4. The DoD Components shall work with other traffic law enforcement activities consistent with statutory and regulatory constraints to enforce vehicle inspection laws.

¹ The National Highway Traffic Safety Administration, Department of Transportation, publishes the Guidelines on <http://www.nhtsa/whatsup/tea21programs/402Guide.html>

E3.2. MOTORCYCLE SAFETY (HSPG NUMBER 3)

E3.2.1. Operators of Government and privately owned motorcycles (both street and off-road versions) on DoD installations must be appropriately licensed to operate on public highways (except where not required by the SOFAs or local laws). A valid U.S. Government Motor Vehicle Operator's Identification Card (OF-346) or a Unit Level Logistics System (ULLS) Operator Qualification record fulfills the licensing requirement for operators of tactical motorcycles.

E3.2.2. Where State or local laws applicable to the installation require special licenses to operate privately owned motorcycles, motorized bicycles (Mopeds), motor scooters, or ATVs, such license requirements, as a minimum, shall apply to operation of those vehicles on DoD installations.

E3.2.3. Before operation of any motorcycle, personnel shall successfully complete an approved rider or operator safety course. This training requirement excludes those operating motorcycles with attached sidecars and three-wheel motorcycles.

E3.2.3.1. The safety course must include the following: the appropriate Motorcycle Safety Foundation (MSF) or Specialty Vehicle Institute of America (SVIA) or MSF-based State-approved curriculum taught by certified or licensed instructors; hands-on training; and a performance-based and knowledge-based evaluation.

E3.2.3.2. Training required by this Instruction shall be provided at no cost to military and DoD civilian personnel. Personnel shall not be charged leave to attend training required by this Instruction.

E3.2.3.3. Additional performance based evaluations may be required for off-road recreational operation of privately owned vehicles or vehicles controlled by morale, recreation, and welfare organizations on DoD installations. Privately owned ATV and off-road motorcycle operators should complete training. Operators are also encouraged to complete refresher training before each riding season or after long periods of inactivity.

E3.2.3.4. Curriculum and proficiency training for tactical motorcycles will be tailored to satisfy specific mission objectives. Operators will have previously completed a safety course as required in the above paragraph E3.2.3.1.

E3.2.4. The DoD Components will develop and approve safety requirements tactical motorcycles integrating operational risk management into tactics, techniques, and procedures training when required by military mission.

E3.2.5. When operated on any DoD installation, in both on- and off-road modes, all Government or privately owned motorcycles, Mopeds, motor scooters, and ATVs (when equipped) must have headlights turned on at all times, except where prohibited by military mission, the SOFAs, or local laws.

E3.2.6. Motorcycles, except Government-owned off-road motorcycles on tactical missions or training, shall be equipped with rear view mirrors mounted on the handlebar or fairing.

E3.2.7. Requirements for Personal Protective Equipment (PPE) are as follows:

E3.2.7.1. The following PPE is mandatory for all persons as listed in paragraph 2.2. of the Instruction while operating or riding as a passenger on a motorcycle or ATV.

E3.2.7.1.1. Helmets. Certified to meet Department of Transportation (DOT) standards properly fastened under the chin. If stationed outside CONUS and the host nation does not have an equivalent helmet standard, the helmet will meet the U.S. Department of Transportation standard.

E3.2.7.1.2. Goggles and Face Shields. Impact or shatter resistant goggles or full-face shield properly attached to helmet. A windshield or eye glasses alone are not proper eye protection.

E3.2.7.1.3. Sturdy Footwear is mandatory. Leather boots or over the ankle shoes are strongly encouraged.

E3.2.7.1.4. Clothing. Long sleeved shirt or jacket, long trousers, and full-fingered gloves or mittens designed for use on a motorcycle.

E3.2.7.1.5. Garment Visibility. A brightly colored outer upper garment during the day and a reflective upper garment during the night. Outer upper garment shall be clearly visible and not covered.

E3.2.8. The PPE for Government-owned motorcycle and ATV operators during off-road operations should also include knee and shin guards and padded full-fingered gloves.

E3.2.9. Failure to wear the PPE or comply with licensing or operator training requirements may be considered in making line-of-duty determinations if the injury is from such nonuse of PPE or noncompliance.

E3.3. DRIVER EDUCATION (HSPG NUMBER 4)

E3.3.1. All military personnel under 26 years of age who possess a driver's license shall be given a minimum of four hours of classroom instruction in traffic safety designed to establish and reinforce a positive attitude toward driving. Individual responsibility and correct response to routine and emergency driving situations shall be stressed. Such education should be given expediently after initial entry into Military Service.

E3.3.2. Driver improvement courses shall be used at no cost to the individual. These courses shall reinforce positive attitudes and motivate persons who have been convicted of serious moving traffic violations, or who have been determined to have been at fault in a traffic accident while operating a Government-owned vehicle on or off a DoD installation. Offenders, military or civilian, shall be required to attend those courses or lose installation-driving privileges. Installations may use court-approved local community driver improvement programs to fulfill that requirement.

E3.3.3. Besides the driver selection and training requirements under DoD 4500.36-R (reference (i)) and before assignment as a driver of DoD police vehicles, ambulances, fire trucks, crash rescue vehicles, and buses, individuals shall complete additional training to ensure competency in the safe operation of such vehicles. All operators of those vehicles shall complete that training every three years. That additional training shall include the following elements:

E3.3.3.1. Applicable laws and regulations.

E3.3.3.2. Safe operating practices under normal and emergency conditions.

E3.3.3.3. Operator inspection and primary preventive maintenance.

E3.3.4. A certifying official shall indicate to the person responsible for issuance of the ULLS or OF-346 that the individual driver has met the requirements stated above and fully understands the operational peculiarities of the vehicle. The completed required training shall be documented on the operator's personnel training record. Personnel shall not be charged annual leave to attend training required by this Instruction.

E3.4. DRIVER LICENSING (HSPG NUMBER 5)

Minimum DoD licensing procedures are in reference (h).

E3.5. CODES AND LAWS (HSPG NUMBER 6)

E3.5.1. To the maximum extent practical, all DoD installation traffic codes shall assimilate the traffic codes of the State or nation in which the installation is located. Recently, many nations, including England, Switzerland, and Spain, have made it unlawful to use cellular telephones while driving, and many States are considering legislation based upon DOT studies (reference (m)).²

E3.5.2. The Uniform Vehicle Code and Model Traffic Ordinance (reference (n)) shall be used in the design of DoD installation traffic codes.³

E3.6. TRAFFIC COURTS (HSPG NUMBER 7)

E3.6.1. All traffic violations occurring on DoD installations (in the United States or U.S. territories) may be referred to the applicable U.S. magistrate, State or local judicial authorities, in the interest of impartial judicial determination and effective law enforcement. The local area commander may still issue an Armed Forces Traffic Ticket (DD 1408), for command usage.

E3.6.2. Military and civilian personnel shall not be authorized to operate DoD motor vehicles during:

E3.6.2.1. Periods of suspension or revocation of operator's license enforced or required by any State or host nation.

² Published by the NHTSA of DOT on <http://www.nhtsa.dot.gov/people/injury/research/wireless>

³ The National Committee on Uniform Traffic Laws and ordinances, 107 South West Street, Number 110, Alexandria, VA 22314, (800) 807-5270, <http://www.ncutlo.org/>

E3.6.2.2. Periods while base driving privileges are suspended or revoked for driving under the influence of alcohol or other drugs or for other traffic violations that constitute a "moving violation" of installation, State, Federal, or host-nation traffic codes.

E3.7. IMPAIRED DRIVING (HSPG NUMBER 8)

While driving on any DoD installation, the operators and passengers of motor vehicles are prohibited from having open containers of alcoholic beverages in their ready possession. "Open container" means any bottle, can, or other receptacle containing any alcoholic beverage that has been opened, or the seal broken, or the contents of which have been partially removed. "Ready possession" means located in the passenger compartment of the vehicle or accessible to the driver or passenger(s) from the passenger compartment.

E3.8. TRAFFIC RECORDS, ACCIDENT INVESTIGATION AND REPORTING (HSPG NUMBERS 10, AND 18)

All crashes that involve DoD and/or privately owned vehicles shall be investigated and reported under the requirements of DoD Instruction 6055.7 (reference (o)).

E3.9. PEDESTRIAN AND BICYCLE SAFETY (HSPG NUMBER 14)

E3.9.1. Pedestrian safety shall be emphasized in the overall traffic safety program. The program shall include separation of pedestrian and motor vehicle traffic to the maximum extent possible and shall provide for adequate sidewalks, pedestrian crossings, handicapped access ramps, and bicycle paths to ensure maximum safe traffic flow without jeopardizing pedestrian safety. Participants should be educated to use paths or sidewalks along roadways and wear reflective outer garments during periods of reduced visibility.

E3.9.1.1. Strong emphasis shall be placed on the protection of children walking to and from school, entering and leaving school buses, and playing in DoD housing areas.

E3.9.1.2. Applicable fluorescent or reflective personal protective equipment shall be provided to and used by all DoD personnel who are exposed to traffic hazards as a part of their assigned duties, e.g., marching troops, traffic control personnel, road

construction crews, electricians, or telephone repair personnel working on outside overhead lines.

E3.9.1.3. Individuals are not authorized to skate, skateboard, jog, run, or walk on roadways during high traffic density and peak traffic periods. Installation commanders shall designate which roadways and times that apply.

E3.9.1.4. Pedestrian-motor vehicle crashes shall be analyzed and reported under paragraph E3.8., above.

E3.9.2. Bicycle safety shall be emphasized in the overall traffic safety program. Programs shall emphasize the mandatory use of bicycle helmets approved by the American National Standards Institute (ANSI) or the Snell Memorial Foundation. This applies to all personnel including dependents who ride bicycles on DoD installations. In unique operations or training situations, commanders using risk management procedures may determine exceptions to the helmet guidance.

E3.10. PUPIL TRANSPORTATION SAFETY (HSPG NUMBER 17)

Provisions shall be made to reduce the danger of death or injury to children while they are being transported to and from school, or related activities, in DoD or contractor-owned vehicles. DoD school buses shall be marked, equipped, operated, and maintained consistent with HSPG No. 17. Private contractors shall comply with host nation, or State and local requirements in addition to any contractual requirements imposed by the applicable DoD Component.

E3.11. SPEED CONTROL (HSPG NUMBER 19)

E3.11.1. Speed limits. Speed limits, maximum or minimum, established for DoD installations shall be based on traffic engineering and safe operating requirements.

E3.11.2. Emergency Vehicle Operations. Emergency vehicle operators shall not operate their vehicles at any time at a speed that is not reasonable for weather, visibility, traffic, or roadway conditions.

E3.11.3. Radar Detection Devices. The use of radar or laser detection devices to indicate the presence of speed recording instruments or to transmit simulated erroneous speeds is prohibited on DoD installations. Such devices shall not be sold in DoD-controlled sales outlets.

E3.12. OCCUPANT PROTECTION (HSPG NUMBER 20)

The use of occupant protective devices, e.g., safety belts, air bags, and child safety seats, has dramatically reduced the number of deaths, and the number and severity of injuries. Accordingly, DoD Component traffic safety programs shall require the following:

E3.12.1. Occupant Protective Devices

E3.12.1.1. All personnel, as listed in paragraph 2.2. of this Instruction, operating or riding in motor vehicles shall wear safety belts. This does not apply to passengers riding in buses not equipped with safety belts. Reference (c) specifically requires Federal employees to use seat belts while on official business. The DoD Components may develop and approve safety requirements for mission and tactical operations where normal occupant protection requirements may not be appropriate.

E3.12.1.2. Child safety seats shall be used on DoD installations. Installation traffic safety programs shall be consistent with State or local child safety seat laws. If there is no applicable local requirement, the installation traffic safety program shall specify age, weight, or other criteria for child safety seat use. The DoD Components are highly encouraged to sponsor child safety seat loaner programs.

E3.12.1.3. The vehicle operator shall be responsible for informing passengers of the safety belt requirement. The senior occupant shall be responsible for ensuring enforcement. For civilian employees, if the senior occupant cannot be ascertained, the driver shall be responsible for enforcement.

E3.12.1.4. All nonuse of occupant protective devices shall be enforced as a primary traffic violation. Each DoD Component that regulates operating privileges shall establish procedures for applicable mandatory administrative or disciplinary action, to include the suspension of operating privileges on DoD installations and in areas subject to military traffic supervision. Traffic points shall be assessed as required by local laws and regulations

E3.12.2. Commercial Vehicles. All commercial-type, passenger-carrying vehicles that are purchased, leased, or rented by the Department of Defense shall be equipped with the occupant protection required by 49 CFR 571. Every effort shall be made to procure or lease vehicles equipped with air bags (preferably for both driver and passenger).

E3.12.3. Vehicles Without Fixed Seats. To the extent possible, personnel shall be transported in passenger vehicles such as sedans, station wagons, or buses. Occupants shall be seated when the vehicle is in motion. Personnel may be transported without fixed seats for short distances on DoD installations if each passenger remains seated wholly in the body of the vehicle.

E3.12.4. Line-of-Duty Determinations. Failure to use occupant protective devices may be considered in making line-of-duty determinations for injury stemming from nonuse of those devices on or off DoD installations.

E3.12.5. Educational Programs. Education programs shall be developed to ensure military and civilian personnel are aware of the requirements in this Instruction.

E3.13. ROADWAY SAFETY (HSPG NUMBER 21)

E3.13.1. Highway Design, Construction, and Maintenance. DoD installation roads shall be maintained in a safe condition. Capital improvements to modernize existing roads or to provide new traffic facilities shall meet the safety standards issued or endorsed by the Federal Highway Administration, DOT. Compliance shall be evaluated periodically by the Commander, Military Traffic Management Command (MTMC), as stated below.

E3.13.2. Traffic Engineering Services. The MTMC, under the direction of the Army, shall coordinate and ensure DoD implementation of traffic engineering services, and coordinate with the Federal Highway Administration and other Governmental and non-Governmental agencies, as applicable.

E3.13.3. Traffic Analyses. Each DoD installation shall establish a program through which analyses of local DoD traffic crashes are conducted. The results of these analyses should include recommendations for corrective measures that could be taken to reduce the frequency and severity of traffic crashes. That program shall include all on-base and off-base road networks in proximity to DoD installations, e.g., access roads and routes heavily traveled by DoD vehicles.

E3.13.3.1. Military police and safety organizations shall present the analyses to installation organizations responsible for highway design, construction, maintenance, and traffic engineering so that they can assess and begin improvements.

E3.13.3.2. Military commanders shall abate on-base traffic hazards as required in DoD Instruction 6055.1 (reference (f)).

E3.13.3.3. Military commanders shall closely coordinate these programs with the MTMC and local officials for resolving off-base traffic problems of mutual concern.

E4. ENCLOSURE 4

DoD IMPAIRED DRIVING PREVENTION PROGRAM

E4.1. INTRODUCTION

E4.1.1. This program lists the procedures necessary to implement the policy and assign responsibility for establishing and operating the DoD Impaired Driving Prevention Program. This program addresses the problem of and increases the awareness and attention given to impaired driving by DoD military and civilian personnel.

E4.1.2. Impaired driving is incompatible with the maintenance of high standards of performance, military discipline, DoD personnel reliability, and readiness of military units and supporting activities. Persons who engage in impaired driving, regardless of the geographic location of the incident, have demonstrated a serious disregard for the safety of themselves and others.

E4.1.3. The Department of Defense shall participate in the national effort to prevent impaired driving. This shall be accomplished by maintaining appropriate relationships with other governmental agencies and private organizations. Military Commanders shall cooperate with responsible civil authorities consistent with statutory and regulatory constraints in detecting, identifying, apprehending, prosecuting, educating, and counseling impaired drivers and in reporting cases as required by State laws and applicable Status of Forces Agreements.

E4.2. GENERAL PROCEDURES

E4.2.1. Education and Training

E4.2.1.1. The Military Services shall provide drug and alcohol education that focuses on impaired driving for each of the following: law enforcement, public information, emergency room, and safety personnel. Club managers, bartenders, and wait staff serving alcoholic beverages and Class VI or package sales personnel shall receive annual refresher training. Specific information and a review of current Military Service policy on impaired driving shall be included in leadership curricula at all levels, training for judge advocates and officer and noncommissioned officer schools.

E4.2.1.2. Other DoD Components shall provide similar instruction in conjunction with the training and education requirements.

E4.2.1.3. DoD Dependents Schools (DoDDS) and DoD Domestic Dependent Elementary and Secondary Schools (DDESS) shall include specific material in the curriculum (grades seven through twelve) on the effects that alcohol and drugs have on the impairment of driving skills.

E4.2.1.4. DoD Components shall cooperate, to the extent feasible and permitted by law and regulation, with community leaders and existing grassroots organizations that are working to combat impaired driving in planning and implementing local education efforts.

E4.2.2. Suspension of Driving Privileges. Each DoD Component or its supporting agency that regulates driving privileges shall establish procedures for mandatory suspension of driving privileges on military installations and in areas subject to military traffic supervision. They shall establish procedures for acquiring arrest reports and other official documentation of impaired driving incidents consistent with applicable laws and regulations. Such procedures shall be sufficiently flexible to meet local needs and the work schedules of Reserve component personnel.

E4.2.2.1. Military personnel and their family members, retired members of the Military Services, DoD civilian personnel, and others with installation driving privileges may have those driving privileges suspended, regardless of the geographic location of an impaired driving incident.

E4.2.2.1.1. Suspension is authorized for non-DoD civilians only with respect to incidents occurring on the military installation or in areas subject to military traffic supervision.

E4.2.2.1.2. With respect to DoD civilian personnel covered by a negotiated agreement, a suspension under this subsection may be reviewed only to the extent required by the negotiated agreement applicable to the affected employee. Such matters are excluded from DoD Component administrative grievance procedures. A grievance under such a procedure will not delay imposition of a preliminary or one-year suspension of driving privileges.

E4.2.2.1.3. A notice of suspension will not become effective until 24 hours after the incident for which a suspension is imposed. However, this provision does not preclude appropriate action to prevent an impaired person from operating a

motor vehicle nor does it affect the validity of an earlier suspension imposed on the same individual.

E4.2.2.1.4. The installation commander shall conduct a hearing authorized under paragraph E4.2.2.2., E4.2.2.3., or E4.2.2.5., below. The power to conduct a hearing and make a decision may be delegated only to an official whose primary duties are not in the field of law enforcement. At a hearing under this subsection, the individual shall have the right to present evidence and witnesses at his or her own expense. Counsel, at the individual's expense, may represent the individual. DoD civilian personnel may have a personal representative present in accordance with applicable laws and regulations. DoD civilian personnel who are represented by a union may have a union representative at such hearings in accordance with applicable laws and regulations and provisions in governing collective bargaining agreements.

E4.2.2.2. Suspension Based upon Lawful Apprehension

E4.2.2.2.1. Preliminary suspension of driving privileges is mandatory based upon an arrest report or other official documentation of the circumstances of an apprehension for impaired driving.

E4.2.2.2.2. The individual shall be notified in writing of the preliminary suspension. The notice shall include the arrest report or other documentation and shall inform the individual that a one-year suspension can be imposed upon conviction, imposition of nonjudicial punishment, military administrative determination, or action by civilian authorities leading to suspension or revocation of the individual's driver's license. The notice shall inform the individual that he or she has the right to submit a request within five working days, or within 30 calendar days in the case of a Reserve component member (excluding a military technician) who is not on active duty or active duty for training, to vacate the preliminary suspension and that failure to request such a hearing will result in continuation of the preliminary suspension.

E4.2.2.2.3. If a hearing has not been requested within five working days, or within 30 calendar days in the case of a Reserve component member (excluding a military technician) who is not on active duty or active duty for training, the preliminary suspension shall be continued until there has been a criminal, nonjudicial, or administrative disposition.

E4.2.2.2.4. If the individual requests a hearing to vacate the preliminary suspension, it shall be held within ten working days, or within 30 calendar days in the case of a Reserve component member (excluding a military technician) who is not on

active duty or active duty for training, of the request. If the official conducting the hearing determines that the apprehension was based upon probable cause, the preliminary suspension shall be continued; if not, it shall be vacated. Such determinations are solely for purposes of acting on the preliminary suspension and are without prejudice to the rights of any party in a subsequent criminal or administrative proceeding involving the same or a related incident.

E4.2.2.2.5. When there is an official report that there has been a finding of not guilty, the charges have been dismissed or reduced to an offense not amounting to impaired driving, or there has been an equivalent determination in a nonjudicial punishment proceeding or military or civilian administrative action, the suspension shall be vacated except as follows:

E4.2.2.2.5.1. If the preliminary suspension was based upon refusal to take a blood alcohol content (BAC) test, the matter shall be processed under paragraph E4.2.2.3., below.

E4.2.2.2.5.2. If the preliminary suspension was based on a BAC test, the suspension shall be continued pending completion of a hearing unless disposition of the charges was based on invalidity of the BAC test. The individual shall be notified in writing of the continuation of the preliminary suspension and of the opportunity to request a hearing within ten working days. If the individual requests a hearing to vacate the preliminary suspension, it shall be held within ten working days of the request. The hearing shall be conducted in accordance with the provisions of subparagraph E4.2.2.1.4., above. The hearing shall consider the arrest report, the report of the official disposition, other official documentation, information presented by the individual and such other information as the hearing officer may deem appropriate. If the hearing officer determines by a preponderance of the evidence that the individual was engaged in impaired driving, the suspension shall be for one year from the date of the original preliminary suspension. If not, the preliminary suspension shall be vacated. If the individual does not request a hearing within ten working days, the suspension shall be for one year.

E4.2.2.2.6. If there is a conviction, nonjudicial punishment, or civil suspension or revocation of driving privileges, the suspension shall be continued for one year from the date of the original preliminary suspension. Such action shall be taken only based on an official report.

E4.2.2.3. Suspension for Refusal to Take a BAC Test

E4.2.2.3.1. Preliminary suspension of driving privileges is mandatory

based upon an official report that an individual refused to submit to a lawfully requested BAC test.

E4.2.2.3.2. The individual shall be notified of the preliminary suspension in writing. The notice shall include the arrest report or other documentation and shall inform the individual that a one-year suspension can be imposed after a hearing under subparagraph E4.2.2.3.4., below. The notice also shall inform the individual that he or she has the right within five working days, or within 30 calendar days in the case of a Reserve component member (excluding a military technician) who is not on active duty or active duty for training, to submit a request for a hearing to validate the preliminary suspension and that the suspension will be for one year if a hearing is not requested.

E4.2.2.3.3. If a hearing is not requested within five working days, or within 30 calendar days in the case of a Reserve component member (excluding a military technician) who is not on active duty or active duty for training, the suspension shall be for one year.

E4.2.2.3.4. If the individual requests a hearing to vacate the preliminary suspension, it shall be held within 10 working days, or within 30 calendar days in the case of a Reserve component member (excluding a military technician) who is not on active duty or active duty for training, of the request. The hearing shall consider the arrest report or other official documentation, information presented by the individual and such other information as the hearing officer may deem appropriate. The official conducting the hearing shall consider the following issues:

E4.2.2.3.4.1. Did the official have reasonable grounds to believe that the person had been operating, or was in actual physical control of, a motor vehicle while impaired?

E4.2.2.3.4.2. Was the person lawfully cited or apprehended for an impaired driving offense?

E4.2.2.3.4.3. Was the individual lawfully requested to submit to a BAC test?

E4.2.2.3.4.4. Did the person refuse to submit to or fail to complete a BAC test required by the law of the jurisdiction in which the test was requested?

E4.2.2.3.5. If, in view of these issues, the test was lawfully requested, the suspension shall be for 1 year, irrespective of the ultimate disposition of the

underlying impaired driving offense. If not, the preliminary suspension shall be vacated. Such determinations are solely for purposes of acting on the preliminary suspension and are without prejudice to the rights of any party in a subsequent criminal or administrative proceeding involving the same or a related incident.

E4.2.2.4. Suspension Upon Conviction, Nonjudicial Punishment, or Civilian Administrative Action

E4.2.2.4.1. Suspension of driving privileges for one year is mandatory when there has been a conviction, nonjudicial punishment, or civilian revocation or suspension of driving privileges for impaired driving, regardless of any prior administrative determination under paragraph E4.2.2.2., E4.2.2.3., or E4.2.2.5.

E4.2.2.4.2. Such action shall be taken only based on an official report.

E4.2.2.4.3. The individual shall be notified in writing of the suspension and shall be notified that an exception may be granted only under paragraph E4.2.2.6., below.

E4.2.2.4.4. The installation commander shall issue the suspension. This authority may be delegated only to an official whose primary responsibilities are not in the field of law enforcement.

E4.2.2.4.5. Heads of the DoD Components shall establish procedures under which DoD personnel convicted for driving while impaired will pay administrative restitution to the Government for property damage or medical expenses to the extent permitted by applicable law.

E4.2.2.5. Repeat Offenders

E4.2.2.5.1. Preliminary increase in suspension of driving privileges is mandatory based upon an arrest report or other official documentation of an individual's driving in violation of a suspension imposed under this program or under similar rules previously issued by a DoD Component.

E4.2.2.5.1.1. The individual shall be notified in writing of the preliminary increase in suspension. The notice shall include the arrest report or other documentation of the violation as well as documentation of the original suspension and shall inform the individual that his or her original suspension can be increased by two years after a hearing under subparagraph E4.2.2.5.1.3., below. The notice shall inform the individual that he or she has the right within five working days to submit a

request for a hearing to vacate the preliminary increase in suspension and that the original suspension will be increased by two years if such a request is not submitted.

E4.2.2.5.1.2. If a hearing has not been requested within five working days, or within 30 calendar days in the case of a Reserve component member (excluding a military technician) who is not on active duty or active duty for training, the original suspension shall be increased by two years.

E4.2.2.5.1.3. If the individual requests a hearing to vacate the preliminary suspension, it shall be held within ten working days, or within 30 calendar days in the case of a Reserve component member (excluding a military technician) who is not on active duty or active duty for training, of the request. The hearing shall consider the arrest report or other official documentation, information presented by the individual, documentation of the original suspension, and such other information as the hearing officer may deem appropriate. If the official conducting the hearing determines that the allegation of driving in violation of a suspension is supported by a preponderance of the evidence, the original suspension shall be increased by two years. If not, the preliminary increase in suspension shall be vacated. Such determinations are without prejudice to the rights of any party in a subsequent criminal or administrative proceeding involving the same or a related incident.

E4.2.2.5.1.4. If in a subsequent judicial, nonjudicial, or administrative proceeding, it is determined that the individual did not violate a suspension, the preliminary increase in suspension shall be vacated.

E4.2.2.5.2. For each subsequent determination within a five-year period that a one-year suspension is authorized under paragraphs E4.2.2.2. through E4.2.2.4., above, driving privileges shall be suspended for two years. Such period shall be in addition to any suspension previously imposed. Military personnel shall be prohibited from obtaining or using an U.S. Government Motor Vehicle Operator's Identification Card, Optional Form (OF) 346, for six months for each such incident. A determination whether DoD civilian personnel should be prohibited from obtaining or using an OF 346 shall be made 5 CFR Part 930, Subpart A (reference (p)) and other laws and regulations applicable to civilian personnel. Nothing in this subsection precludes an installation commander from imposing a prohibition upon obtaining or using an OF 346 for a first offense or for such other reasons as may be authorized under applicable laws and regulations.

E4.2.2.6. Exceptions

E4.2.2.6.1. Exceptions to the mandatory suspension provisions in this

program may be granted under regulations by the DoD Component concerned on a case-by-case basis. Requests for exceptions shall be in writing. Such exceptions may be granted only based on:

E4.2.2.6.1.1. Mission requirements;

E4.2.2.6.1.2. Unusual personal or family hardship; or

E4.2.2.6.1.3. In the case of a preliminary suspension following lawful apprehension, delays exceeding 90 days in the formal disposition of the allegations insofar as such delays are not attributable to the individual.

E4.2.2.6.2. With respect to a person who has no reasonably available alternate means of transportation to officially assigned duties, a limited exception shall be granted for the sole purpose of driving directly to and from such duties. This does not authorize a person to drive on a military installation if the person's driver's license is under suspension or revocation by a State, Federal, or host-country civil court or administrative agency. Maximum reliance shall be placed on carpools, public transportation, and reasonably available parking facilities adjacent to the installation before such a limited exception is granted. Nothing in this provision precludes appropriate or other administrative action based on an impaired driving incident or driving in violation of a previously imposed suspension.

E4.2.2.6.3. Exceptions granted under this section shall be reported in writing to the next official in the chain of command.

E4.2.2.7. Overseas commanders with authority to issue driver's licenses shall establish procedures for suspension of such licenses for impaired driving. Such procedures, insofar as the commanders deem practicable, shall be similar to the procedures for suspension of installation driving privileges prescribed in paragraphs E4.2.2.1. through E4.2.2.6., above.

E4.2.2.8. Persons whose installation driving privileges are suspended for one year or more under paragraph E4.2.2.2., E4.2.2.3., or E4.2.2.4., above, shall complete an alcohol or drug safety action program or equivalent alcohol education course (minimum of eight hours) before their installation driving privileges may be reinstated.

E4.2.3. Screening. Each DoD Component or its supporting agency shall establish procedures for screening military and civilian personnel charged with impaired driving offenses within seven working days, or within 60 calendar days in the case of a Reserve component member (excluding a military technician) who is not on

active duty or active duty for training, of issuance of notice of the preliminary suspension to determine whether a member is dependent on alcohol or other drugs. The results of this screening shall be made available to the command having jurisdiction over the case before adjudication.

E4.2.3.1. Information concerning personal alcohol and drug abuse provided by a military member in response to screening questions may not be used against the member in a court-martial or on the issue of characterization in an administrative separation proceeding. Nothing in this provision precludes introduction of such evidence for other administrative purposes or for impeachment or rebuttal purposes in any proceeding in which evidence of alcohol or drug abuse (or lack thereof) first has been introduced by the member. Nor does it preclude disciplinary or other action based on independently derived evidence.

E4.2.3.2. DoD civilian personnel charged with impaired driving shall be advised of the Civilian Employee Assistance Program or Installation Drug and Alcohol Program and the availability of evaluation under these programs. Retired members of the Military Services shall be advised of the availability of evaluation and treatment programs.

E4.2.4. Notification of State Driver's License Agencies. Each DoD Component or its supporting agency shall establish a systematic procedure to notify State driver's license agencies of DoD personnel whose installation driving privileges are suspended for one year or more. This applied following final adjudication of the impaired driving offense or upon suspension for refusal to submit to a lawful BAC test under subsection E4.2.2., above. This notification shall include the basis for the suspension and the BAC level, if known. Exceptions shall be made only when such a suspension was increased for an additional two years for driving on an installation while installation driving privileges were suspended solely on the basis of driving in violation of suspension (see paragraph E4.2.2.5., above). This notification shall be sent to the State in which the driver's license was issued and the State in which the installation is located. DoD Components shall establish a system to exchange impaired driving and driving privilege suspension data when DoD personnel transfer from one location to

another. This is to ensure that the receiving installation continues any remaining portion of the suspension. This information requirement is exempt from formal approval and licensing.

E4.2.5. Administrative Inspections. The Military Services shall include the impaired driving prevention program as an inspection item of special interest for Inspector General or administrative inspections.

E4.2.6. Control Boards. The Military Services shall direct installation commanders to assess the availability of drugs and alcohol in the vicinity of military installations through their Armed Forces Disciplinary Control Boards or Control Boards of other appropriate Federal Agencies. Whenever the availability of alcohol or drugs, or both, at an establishment off base presents a threat to the discipline, health, and welfare of DoD personnel, such establishments shall be dealt with as prescribed by their appropriate control boards.

E4.2.7. Cases Involving Death or Serious Injury. DoD officials shall ensure that victims and witnesses receive their rights in accordance with the DoD Victim and Witness Assistance Program (DoD Directive 1030.1 and DoD Instruction 1030.1).

E4.2.8. Monitoring. Each Military Service shall monitor and keep track of data needed to measure the effectiveness of this program. Impaired driving, accident, mishap, and injury data include:

E4.2.8.1. BAC of driver, if known.

E4.2.8.2. Time of day and day of the week the mishap or injury occurred.

E4.2.8.3. Type of vehicle (include mopeds and motorcycles).

E4.2.8.4. Death and injury data on military personnel and on-duty civilians killed or injured as a result of impaired driving, including those who were not impaired themselves, but were involved in a mishap.

E4.2.8.5. Government property damage cost.

E4.2.8.6. Cost of treatment for injured military personnel and on-duty civilians.

E4.2.8.7. Pertinent data on military personnel separated or retired as a result of injury or other action taken because of:

E4.2.8.7.1. Impaired driving by the person being separated or retired; or

E4.2.8.7.2. Impaired driving by another person.

E4.2.8.8. Other chemical substances causing impaired driving other than alcohol that contributed to an accident.

E4.2.9. Awards. DoD Components with field installations shall establish an awards and recognition program to recognize successful local installation impaired driving prevention programs.

E4.3. SERVICE IMPAIRED DRIVING PREVENTION TASK FORCE (SIDPTF)

E4.3.1. Organization and Management

E4.3.1.1. Each Military Service shall establish a SIDPTF chaired by its Designated Safety and Occupational Health Official (DASHO) or other appropriate official (reference (f)).

E4.3.1.2. The SIDPTF shall consist of representatives of the Military Service's drug and alcohol programs and law enforcement communities. Recommend State and local officials are included, when appropriate.

E4.3.1.3. Meetings generally shall be held quarterly; however, the chair may require special sessions.

E4.3.2. Functions. The SIDPTF shall:

E4.3.2.1. Monitor its policy as it applies to the prevention of impaired driving.

E4.3.2.2. Review programs and policies developed by other Federal and State agencies, and make recommendations of suitable adaptation within the Department of Defense.

E4.3.2.3. Make recommendations to the Assistant Deputy Under Secretary of Defense (Environmental Security) Force Protection on matters pertaining to impaired driving.

E4.3.3. Reports. The SIDPTF through its Military Service shall annually report to the Assistant Deputy Under Secretary of Defense (Environmental Security) Force Protection. The reports shall be made no later than the first week of February for the preceding calendar year. These reports shall include impaired driving, accident, and injury data. Data shall include information under paragraph E4.2.

E5. ENCLOSURE 5

DRIVER'S LICENSE INFORMATION (SAMPLE LETTER)

From:

To: Appropriate State entity controlling vehicle registration and licenses

SUBJECT: Notification of Person Convicted of an Impaired Driving Offense

This letter is your notification that on (date), (last name, first name, middle initial),
(social security number of person), a member of (branch of Military Service or DoD
Component) and (unit), (installation location), was found guilty of (impaired
driving or refusal to take a blood alcohol content (BAC) test in a court-martial,
nonjudicial proceeding under Article 15 of the UCMJ, or civil court), (if civil
court, give court name and case number). (He or she) holds a (State) driver's license
number _____ issued _____ , on _____.

(He or she) was arrested (date and base location) by (State) (or military)
police while driving vehicle number _____. A BAC test (was or
was not) taken (with a reading of _____). Based on the above information,
this individual's installation driving privileges have been suspended
for (insert the number of months and years). The individual's current
address is: _____.

Signed